

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

CRAIG ADAMS, et al.,)	
)	
Plaintiffs,)	
)	
v.)	4:19-cv-00093
)	
CITY OF KANSAS CITY, MISSOURI,)	
)	
Defendant.)	

DEFENDANT’S MOTION FOR SUMMARY JUDGMENT

COMES NOW the Defendant City of Kansas City, Missouri (“City”), by and through its undersigned counsel, and moves for summary judgment in the above referenced case. The Plaintiffs allege one cause of action¹: violation of the Fair Labor Standards Act (“FLSA”) on behalf of a conditionally certified class. The City is not violating the FLSA toward the conditionally certified collective class because it appropriate includes non-discretionary bonuses in the calculation of the FLSA regular rate used to pay the premium portion of overtime. To the extent the Plaintiffs argue that the City has violated the FLSA because it has violated the collective bargaining agreement, such is not an FLSA violation. Finally, if the City is liable under the FLSA, this Court should apply a two-year statute of limitations and deny liquidated damages to the collective class.

Respectfully submitted,

OFFICE OF THE CITY ATTORNEY

By: /s/Tara M. Kelly
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¹ The Complaint itself alleges two causes of action: breach of contract and violation of the FLSA. However, by stipulation, the breach of contract count was dismissed. Doc. 544.

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CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of October 2020, a copy of the foregoing was sent to all counsel of record via ECF.

/s/ Tara M. Kelly
Tara M. Kelly